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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Argentina, Australia*, Austria, Belarus, Bosnia and Herzegovina*, Canada, Côte d'Ivoire*, Cyprus*, Denmark, Finland*, France, Georgia*, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Liechtenstein*, Luxembourg*, Madagascar, Netherlands, Portugal*, Republic of Korea, Romania*, Senegal*, Slovenia*, Spain*, Sweden*, Switzerland*, the former Yugoslav Republic of Macedonia* and Venezuela*: draft resolution

1997/... Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also, General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling article 18 of the International Covenant on Civil and Political Rights,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

1. Takes note of the report of the Special Rapporteur on religious intolerance (E/CN.4/1997/91 and Add.1);

2. Expresses grave concern at and condemns all instances and forms of hatred or intolerance on the grounds of religion or belief;

3. Urges States:

(a) To ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

(b) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(c) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief;

(d) To recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(e) To ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate on the grounds of religion or belief;

(f) In accordance with their national legislation and in conformity with international human rights standards, to exert their utmost efforts to ensure that religious places, sites and shrines are fully respected and protected;

(g) To oppose acts of religious intolerance which violate the human rights of women and discriminate against women;

(h) To promote and encourage through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

4. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

5. Encourages the continued efforts on the part of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

6. Stresses the need for the Special Rapporteur to apply a gender perspective, including the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

7. Calls upon all Governments to cooperate with the Special Rapporteur on religious intolerance and to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

8. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report, and to continue to carry out his work with discretion and independence;

9. Recognizes that the exercise of tolerance and non-discrimination by all elements of society is necessary for the full realization of the aims of the Declaration;

10. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

11. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures are taken to this end, including the dissemination, as a matter of high priority, of the text of the Declaration by United Nations information centres, as well as by other interested bodies;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session;

13. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".